

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America)

v.

)

Case No. 7:18-mj-2570

ALVAREZ, Juan YOB: 1955)

United States Citizen)

)

)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 12/17/2018 in the county of Starr in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

21 USC 841 (a) (1)

Knowingly and intentionally possess,
with intent to distribute approximately
104.5 kilograms of marijuana, a Schedule
I Controlled Substance under the
Controlled Substance Act.

This criminal complaint is based on these facts:

SEE ATTACHMENT A

 Continued on the attached sheet.

Approved by David A. Lindenmuth
J - SK *12/17/18*

Complainant's signature

Victor Chica, Special Agent, DEA

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/17/2018 8:19 a.m.City and state: McAllen, Texas

Judge's signature

JUAN F. ALANIS, U.S. Magistrate Judge

Printed name and title

Attachment A

On December 16, 2018, at approximately 5:45 p.m., United States Border Patrol (USBP) Agent Justin Wardlow was patrolling the area of La Rosita, Texas. During patrol operations, BP Agent and Aerostat Operator Francisco Rodriguez informed Agent Wardlow that he observed several subjects on a raft crossing the Rio Grande River from Mexico into U.S. territory and appeared to be transporting large bundles.

BP Agent Rodriguez continued surveillance of the subjects and observed them carrying large bundles from the raft and loading them into a light-colored SUV that was parked next to a residence located north of the river bank in La Rosita, Texas. A few minutes later, BP Agent Rodriguez observed the subjects cross the Rio Grande River on the raft into Mexican territory. Shortly after, BP Agent Rodriguez observed the SUV traveling north then turning west onto U.S. Highway 83.

BP Agent Wardlow responded to U.S. Highway 83 as BP Agent Rodriguez provided updates of the vehicle's location. BP Agent Wardlow found the vehicle and conducted an immigration inspection (traffic stop) of a silver in color Chevrolet Tahoe with Texas license plate AG95454. The Chevrolet Tahoe came to a final stop near U.S. Highway 83 and Guerra Garza Road, La Rosita, Texas. As BP Agent Wardlow approached the vehicle, he observed several bundles inside the vehicle. The driver and sole occupant of the vehicle, later identified as Juan Manuel ALVAREZ, was placed under arrest. BP Agent Wardlow conducted a search of the Chevrolet Tahoe and found 10 bundles of suspected marijuana. ALVAREZ was transported to the Rio Grande City Border Patrol Station for processing. ALVAREZ, the Chevrolet Tahoe and 10 bundles of marijuana weighing approximately 104.5 kilograms were transported to the Rio Grande City Patrol Station for processing.

On the same date at approximately 9:30 pm, DEA Special Agents Victor Chica and Marisol Farias responded to the USBP Rio Grande City Station to investigate the incident and were apprised of the details regarding this case. SA Chica read ALVAREZ his Miranda Rights in his preferred language of English, as witnessed by SA Farias. ALVAREZ stated that he understood his rights and agreed to answer some questions. ALVAREZ told agents that on December 16, 2018, at approximately 5:15 p.m., he drove his sister's Chevrolet Tahoe to a nearby Stripes Gas station. ALVAREZ stated that he returned home approximately at 5:30 p.m. and parked the Chevrolet behind the residence and left the doors unlocked. ALVAREZ stated that approximately ten minutes later, he heard his dogs barking and he walked outside and saw several young subjects running south toward the Rio Grande River. ALVAREZ stated that he looked inside the Chevrolet Tahoe and saw several bundles inside the vehicle but was unaware why the subjects loaded the marijuana into the vehicle. ALVAREZ stated he entered the Chevrolet Tahoe and drove away because he wanted to upset the subjects that loaded the marijuana into the vehicle. ALVAREZ stated that the same situation had occurred to his sister a few months back and wanted to teach the subjects a lesson. ALVAREZ told agents that as he was driving north toward U.S. Highway 83, he received a phone call from an unknown telephone number and an unknown subject told him that he (the subject) would give him (ALVAREZ) \$500.00 if he delivered the bundles to someone that was waiting in a black truck near a cake shop. ALVAREZ stated that he decided to deliver the bundles but was stopped by U.S. Border Patrol. ALVAREZ stated that he was aware that the bundles contained marijuana because he recognized the smell of marijuana as he entered the vehicle. All questioning was stopped when ALVAREZ had no further information to provide. BP agents conducted a field test of the suspected marijuana and it tested positive for the presence of marijuana.